

## Nadler Statement on EPA's Failed Response to 9/11

Monday, 27 October 2003

New York, NY—At a hearing held today by the House Government Reform Committee on the health effects of September 11th, Congressman Jerrold Nadler (D-NY) made the following statement regarding the Environmental Protection Agency's failed response to 9/11:

"Thank you, Mr. Chairman, for holding this hearing today regarding the health effects of the September 11th terrorist attack on those who live or work near Ground Zero, and for allowing me to testify before the committee. As the Member of Congress representing Ground Zero, I have heard from far too many constituents with health problems because of contaminants in World Trade Center dust that the EPA refuses to clean up or acknowledge, even though OSHA considers the dust regulated asbestos containing material (ACM), and expert scientists have measured air pollution worse than the Kuwaiti Oil Fires.

"Last month, I, along with Democratic Leader Nancy Pelosi and Ranking Members John Dingell, George Miller, Henry Waxman and John Conyers, wrote to Speaker Hastert calling for a congressional investigation into the federal government's response to the environmental and health concerns at Ground Zero. We have received no response from the House Leadership. However, I am very pleased that Chairman Shays has agreed to hold this subcommittee field hearing, and I thank him for his efforts in this regard.

"Two years ago, in the days following 9/11, the Administration said the air in Manhattan was safe to breathe, even though the EPA had no scientific evidence to make such a claim. Right after 9/11, I formed the Ground Zero Task Force to help constituents manage numerous issues arising from the attacks. After hearing from many constituents who told me they were getting sick, and that the EPA refused to decontaminate their apartments, in January 2002 I asked the EPA's Ombudsman to investigate EPA's inaction. In April 2002, I published a White Paper on EPA's malfeasance, and in June 2002, testified before the Senate on the inadequacy of the EPA's indoor clean-up plan.

"Two months ago, the EPA's Inspector General released a report documenting what I and thousands of New Yorkers have known for two years now: that the EPA gave false assurances to the people of New York regarding the air we were breathing and that the EPA refused to take responsibility to decontaminate indoor spaces, such as apartments, offices, and schools, despite the fact that they are federally mandated to do so. The only thing the IG report revealed that we didn't already know was that the White House instructed the EPA to issue these false assurances. As stated in the IG's report, the White House instructed EPA officials to downplay air quality concerns because of "competing considerations," such as national security and a desire to re-open Wall Street. These considerations are legitimate, and of course the White House was correct in wanting to revive our economy. But they cannot justify putting at risk the health and lives of thousands of Americans.

"We know that several hazardous substances were present in the World Trade Center and were released into the environment when the towers collapsed. Clearly, that presented a hazard for rescue workers on "the pile." However, those hazardous substances were also present in World Trade Center dust that was blasted into surrounding buildings and settled in people's homes, schools and workspaces. Although the EPA's declaration that the outdoor air was safe was premature, enough time has passed that it is probably no longer a problem today. All we can do is look back and try to correct any wrongs of the past. On the other hand, the problem of indoor environments and exposure to hazardous World Trade Center dust that settled inside buildings persists to this day. As OSHA Secretary John Henshaw wrote on January 31st, 2002, "in that the materials containing asbestos were used in the construction of the Twin Towers, the settled dust from their collapse must be presumed to contain asbestos" and therefore, OSHA federal regulations apply to the removal of this material. Nevertheless, the government told the public it was safe, and advised average citizens to clean up World Trade Center dust with a wet rag.

"In May of last year, the EPA announced a limited Indoor Cleanup Plan. This plan was a complete sham designed to deflect criticism of the agency, not to actually address the problem. As confirmed in the EPA IG Report, the Agency's

Indoor Cleanup Program is wholly inadequate, and does not even meet the minimum criteria for protecting human health established under the law. The federal government has never followed its federally mandated procedures to track the release of hazardous materials, characterize the site, and clean up buildings contaminated in a terrorist attack. It has not done the proper comprehensive testing to determine who has been exposed, what they were exposed to, and the full extent of how far this contamination has spread. In fact, this is the very reason Senator Hillary Clinton placed a hold on Governor Leavitt's nomination as EPA Administrator. Senator Clinton has been a great champion for the people of New York, and she should be applauded for getting this issue back on the national radar screen. I look forward to continue working with her to move this issue forward. However, until EPA agrees to fully do its job, this issue is not going to go away."

"This is a very real and serious public health issue that must be addressed. I have heard from many constituents who have found WTC debris in their homes or workspaces, and who are now sick. I noticed the title of this hearing is "Assessing September 11th Health Effects: What Should be Done?" It is very obvious what should be done. The federal government should finally carry out its mandated responsibility to clean up buildings contaminated in a terrorist attack. The EPA should adopt the recommendations in the IG Report. And the federal government should assume the responsibility of ensuring the proper treatment for those sickened by WTC debris, particularly in cases where exposure was a result of government negligence and malfeasance.

"Thank you again for allowing me to testify here today. I look forward to hearing the testimony of the other witnesses, and to working with my colleagues in Congress toward these worthy goals."

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